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April 11, 2023

VIA ECF

The Honorable Lewis J. Liman
United States District Court, Southern District of New York
500 Pearl Street
Room 1620
New York, New York 10007

Re: Brown v. Memorial Sloan-Kettering Cancer Center, Case No. 1:22-cv-10144-LJL

Dear Judge Liman:

This Firm represents Defendant Memorial Sloan Kettering Cancer Center (“Defendant”) in the above-referenced action. We submit this letter jointly on behalf of Defendant and Plaintiff Claudine Brown (“Plaintiff”) (collectively, the “Parties”) to seek confirmation that a formal stay is not required to defer discovery until after the Parties’ scheduled mediation since the Court has not Ordered any discovery deadlines in this case.

On March 13, 2023, in advance of Initial Pretrial Conference scheduled in this matter, the Parties jointly filed a Proposed Case Management Plan and Scheduling Order (“Proposed Case Management Plan”). (Dkt. 13.) The Proposed Case Management Plan delineates the Parties’ agreed upon discovery deadlines, proposes that the case be referred to the Southern District’s Mediation Program, and also provides that referral to mediation would “not stay or modify any date in this Order.” (*Id.*)

On March 20, 2023, the Court cancelled the Initial Pretrial Conference, referred the case to the Mediation Program, and entered a Mediation Referral Order providing that “[t]he mediation will have no effect upon any scheduling Order issued by this Court without leave of this Court.” (Dkt. 16-17.) However, the Court did not enter the Parties’ Proposed Case Management Plan and has not Ordered any discovery deadlines in this case.

The Parties agree that deferring discovery until after their June 14, 2023 mediation would be in their best interests and promote an expeditious resolution. Accordingly, we write to confirm that because no discovery deadlines have been entered in this case, a stay of discovery until after the June 14, 2023 mediation is not required. And, to the extent the Court rules that a

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stay is required, the Parties respectfully request a stay of all discovery until after the Parties have exhausted their efforts to resolve this matter at the June 14, 2023 mediation.

If the Parties' position that discovery shall not commence until after their June 14, 2023 mediation meets with Your Honor's approval, a "So Ordered" line is below for the Court's convenience.

Respectfully submitted,

/s/ Terri L. Chase

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cc: All counsel of record (via ECF)

ORDER: No discovery schedule has been set. The parties are to submit a status letter with a proposed revised case management plan within two weeks after the conclusion of the mediation session.

IT IS SO ORDERED.

DATED: 4/12/2023



Hon. Lewis J. Liman
United States District Judge